THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7085 of 2007

Dated: 09-04-2007

Between:

Thimmisetty Venkateswarlu.

..... PETITIONER

AND

The District Collector, Kadapa, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7085 of 2007

ORDER:

The petitioner, being ex-serviceman, made a representation for assignment. The Mandal Revenue Officer (MRO) granted DKT No.327/1407 in respect of land admeasuring Acs.5.00 in survey No.1133 situated at Savisettypally Village, Kasinayana Mandal, (erstwhile B. Kodur Mandal), Kadapa District. The petitioner statedly brought the land under cultivation and raised crops. He also obtained pattadar passbook. It is alleged that M/s Malleboyina Venkateswarlu and Malleboyina Pollayya claiming themselves to be the earlier assignees damaged the red gram crop raised by the petitioner. Seeking redressal the petitioner submitted a representation on 29.03.2006 to MRO and also complained the same to the Station House Officer,B. Kodur. It is alleged that instead of taking action pursuant to such representation, respondents 2 and 3 orally directed the petitioner not to enter into the land and also informed that alternative land will be shown to him. Aggrieved by the same, present writ petition is filed seeking a writ of Mandamus directing the respondents not to interfere with the petitioner's possession without due process of Law.

After getting instructions, the learned Assistant Government Pleader for Revenue submits that the allegation that MRO directed the petitioner not to enter into the land or the allegation that he tried to interfere with the petitioner's possession is denied. He categorically submits that MRO never tried to dispossess the petitioner and that even if such move is there, the same shall be taken up after issuing notice to the petitioner and following due process of Law. The same is recorded. This Court further observes that as the assignment made in favour of the petitioner is not denied, unless and until appropriate steps are taken in accordance with Law, he cannot be prevented from enjoying the land. This Court also observes that if third parties interfere with the petitioner's possession, it shall be open to him to approach the Civil Court and obtain appropriate orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

09th April, 2007

Note: Issue CC in one week.

B/o

ghn